

3/26/18

9:50 A.M.

Chapter No. 414
18/SS26/R498SG
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SENATE BILL NO. 2754

Originated in Senate

Lizulin

Secretary

SENATE BILL NO. 2754

AN ACT TO PROVIDE THAT IT IS UNLAWFUL TO KNOWINGLY CREATE, DESIGN, MANUFACTURE, SELL, PURCHASE, LEASE, INSTALL, UPDATE, REPAIR, SERVICE, TRANSFER, USE, OR POSSESS OR OTHERWISE MAKE AVAILABLE AUTOMATED SALES SUPPRESSION DEVICES OR OTHER DEVICES OR PROGRAMS THAT CAN BE USED TO FALSIFY OR MANIPULATE CASH REGISTERS AND OTHER FORMS OF POINT-OF-SALE SYSTEMS AND RECORDS; TO DEFINE CERTAIN TERMS FOR THE PURPOSES OF THIS ACT; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:

(a) "Automated sales suppression device" or "zapper" means a software program carried on a memory stick or other flash memory data storage device, or on a removable optical disc or accessed through an Internet link, or by any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports.

(b) "Electronic cash register" means a device that keeps an electronic record, register or supporting documentation, through the use of an electronic device or computer system, of data for the purpose of computing, compiling or processing retail sales transaction data, and includes a cash register or any other point-of-sale system.

(c) "Phantom-ware" means a hidden or concealed programming option embedded in the operating system of, or hardwired into, an electronic cash register that can be used to create a second or alternate set of records or to eliminate or manipulate transaction records, which may or may not be preserved in digital format, to represent either the actual or the manipulated record of transactions.

(d) "Transaction data" means data relating to a transaction which includes, but is not limited to, data identifying each item purchased by a customer; the price for each item; a taxability determination for each item; a segregated tax amount for each of the taxed items; the amount of cash or credit tendered; the net amount returned to a customer in change; the date and time of a purchase; the name, address and identification number of a vendor; and the receipt or invoice number of a transaction.

(e) "Transaction report" means:

(i) A report that contains, but is not limited to, documentation of the sales, taxes or fees collected, media totals,

and discount voids of an electronic cash register and that is printed on cash register tape or other hard copy at the end of a day or shift;

(ii) A report that documents every action performed on or by an electronic cash register and that is stored electronically; and/or

(iii) Any variation of reports described in subparagraphs (i) and (ii) of this paragraph (e).

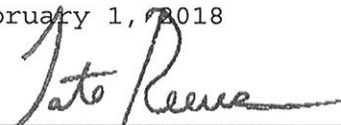
(2) It shall be unlawful for any person to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device, zapper or phantom-ware.

(3) Any person who violates the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or imprisoned for not more than fifteen (15) years, or both.

(4) An automated sales suppression device, zapper or phantom-ware and any device containing such device or software shall be contraband and shall be forfeited to the state.

SECTION 2. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE SENATE
February 1, 2018




PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 7, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

March 26, 2018
9:50am